GOVERNMENT OF INDIA
URBAN DEVELOPMENT
LOK SABHA

UNSTARRED QUESTION NO:4653
ANSWERED ON:25.04.2000
OUT OF TURN ALLOTMENT OF GOVERNMENT QUARTERS
HARIBHAI PARTHIBHAI CHAUDHARY

Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether the Government quarters have been allotted out of turn;

(b) if so, the details thereof during each of the last three years; and

(c) the criteria fixed for out of turn allotment by the Government?

Answer

MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI BANDARU DATTATREYA)

(a): Yes, Sir.

(b): The details of the discretionary/out of turn allotments made during the last three years is as under:

Year	Allotments
1998	167
1999	111
2000 (upto 20.4.2000)	30

(c) The criteria/guidelines for making discretionary/out of turn allotments is laid down in the Dte. of Estates O.M. dated 17.11.97.A copy of this O.M. is enclosed to this reply as Annexure A.

ANNEXURE-A

Annexure referred to in reply to part (c) of Lok Sabha USQ No.4653 for 25.4.2000.

No. 12013/2/97-Pol.II(pt.II) Government of India Ministry of Urban Affairs & Employment Directorate of Estates

New Delhi, dated the 17th November, 1997

OFFICE MEMORANDUM

Subject:- Guidelines for discretionary allotment of General Pool Residential Accommodation in Delhi.

Under the provisions of the SR 317-B-25, the Govt. for reasons to the recorded in writing may relax all or any of the provisions of the Allotment Rules in case of any officer or residence or class of officers or type of residences. Under these provisions, allotments have been made in the past in relaxation of rules depending upon the merits of each case with the approval of the competent authority. However, in view of the increasingly large number of out-of-turn allotments, a Writ Petition (Civil) No. 585/94 (S S Tiwari Vs Union of India) was filed by way of Public Interest Litigation in Supreme Court of India.The Hon`ble Supreme Court in its final order dated 23.12.96, directed the Govt.that discretionary/out-of-turn allotments be regulated and transparency maintained by framing appropriate rules in this regard which may also be duly notified. The Supreme Court also directed that the ceiling of discretionary allotments shall be 5% of the total number of vacancies occurring in each type of houses in a year.

2. Accordingly, the matter has been considered by the Govt. and it has been decided to lay down detailed guidelines which will regulate the discretionary allotments of Govt. accommodation in future. Discretionary allotments to serving Govt. officials shall be permitted only on medical security and functional grounds. Such allotments on medical security and functional grounds which are not covered under general policy instructions (Annexure-III), shall be made through two Committees of officers duly constituted for the

purpose, which shall consider each request within laid down policy guidelines. The composition of two Committees shall be as under:

(A) Allotment of Type-IV (Spl.) and above type of accommodation

(including hostels)

(i) Secretary, Urban Development - Chairman

(ii) Secretary, Personnel - Member
(where the proposal involve Addl.
Secretaries & equivalent or above)

OR

Establishment Officer

(where proposals involve Deputy Secretaries/Directors, Joint Secretaries and
equivalent or Tenure Pool Officers)

(iii) Joint/Addl. Secretary - Member
(in-charge of Estate matters)

(iv) Two Medical Experts - Member
(for medical cases only)

(v) One Secretary/Addl.Secretary level officer
co-opted from other ministries - Member

(vi) Director of Estates - Member Secretary

(B) Allotment of type-IV and below type of accommodation

(i) Joint Secretary(dealing with the subject) - Chairman

(ii) Joint Secretary (Staff Welfare) - Member

(Ministry of Personnel & Training)

(iii) Two Medical Experts - Members

(for medical cases only

(iv) Director of Estates - Member

(v) One Joint Secretary level officer - Member
co-opted from other ministries.+

(vi) Addl. Director of Estates/ - Member Secretary
Director of Estates-II

+ Note: One officer of appropriate rank, such as Secretary/Addl.Secretary/Joint Secretary to the Govt. of India from Ministries other than Ministry of Urban Affairs & Employment of Personnel, Public Grievances & Pensions shall be specifically invited.While extending such invitation, it will be ensured that the representative of those Ministries/ Departments whose proposals are on the agenda of the meetings are not invited. Such a member shall be co-opted from various ministries by following a principles of rotation.

3. Procedure/guidelines to be followed:

(i) The Committee shall meet at least once in three months to consider all applications received through proper channel. The requests in the case of Dy. Secretaries and above should be specifically recommended by the Secretary of the Deptt. concerned and by the Joint Secretary(Administration)/Head of the Deptt. in all other cases.

(ii) The Committee shall be consider discretionary allotments in the next below type of the entitlement of the officials concerned.

(iii) The Committees, while recommending allotment to the competent authority (i.e. Minister in-charge) shall make a speaking recommendation in each case giving specific reasons for discretionary allotment. Where the Minister differs from the recommendations of the Committee, he will also record the reasons therefor in writing.

(iv) The detailed guidelines for priority allotment of Govt. accommodation on medical grounds within the overall ceiling of 5% of all types of discretionary allotments in each type in a year are in Annexure-I.

(v) The discretionary allot[ment of security grounds may be made within the overall ceiling of 5% on fulfilment of terms and conditions given in Annexure-II.

(vi) The priority allotment on functional grounds, as specified in Annexure-III, shall be made by the Directorate of Estates within the quota prescribed for each category of dignitaries and the overall ceiling of 5% without referring them to the committees constituted in para 2 above as no discretion in such cases is involved.

(vii) The Committees may also consider and recommend for allotment of residential accommodation to any other case of serving govt. officials, not falling under any of the categories mentioned above, on extreme compassionate grounds. Such allotments shall , lhowever, be restricted to a total of not more than 5 houses in each type (Type-I to V only) in a year, within the overall ceiling of 5% of each such type in a year.

4. Allotment to private individuals/non-governmental organisations:

The allotments made to private persons such as eminent artists, persons of outstanding merit engaged in works of national standing or national award winners in the field of science, sports or social services and non-governmental organisations/institutions will be valid only upto the end of the current allotment period. The non-governmental organisations will not be eligible for allotment of govt. residential accommodation nor will any proposal for extension in the present allotment period be considered, except in national interest or to meet international obligations with the approval of the Cabinet Committee on Accommodation. Similarly, discretionary allotment to private individuals/non-government persons, including freedom fighters, shall be allowed only with the approval of the CCA, if it is considered necessary in national interest or for meeting international obligations. The widows of freedom fighters will be allowed to retain Govt. accommodation only for a period of six months after the demise of the allottees.

5. All the aforesaid types of discretionary allotments shall be made by the govt. within the overall ceiling of 5% of vacancies occuring in each type of hou[[ses in a calendar year and under no circumstances, such allotments shall exceed such ceiling.

6. The Dte. of Estates shall circulate the list of all such allottees to the various Govt. Deptts. on a quarterly basis and an yearly statements of such allotments would be laid on the Table of each House of Parliament in the light of the Supreme Court`s directions.

7. These orders supersede all previous orders issued by the Govt. regarding out-of-turn/ad-hoc/discretionary allotments on medical functional and security grounds and for allotment to non-government persons such as freedom fighters, eminent artists, social workers etc., and non-governmental organisations/institutions.

8. These orders shall come into force with immediate effect.

ANNEXURE-I

Annexre referred to in para 3
(iv) of the O.M. No. 12035/2/97-Pol.II (pt.II) dated 17.11.97.

Medical Grounds

The allotment on medical grounds including ground floor/central area shall be made in the case of the Govt. Servants and their spouses, dependent children and dependent parents, suffering from any of the following diseases:

(a) Tuberoulosis: Pulmonary tuberculosis (serious cases only):

(b) Cancer Cases: Malignant neoplasm:

(c) Heart ailments: of an exceptionally serious nature and in need of urgent treatment.

(d) Disabled persons:

(i) Blind- those who suffer from either of the following conditions:

(1) Total absence of sight:

(2) Visual Acuity not exceeding 6/90 or 20/200 (snellen) in the better eye with correcting lenses:

(3) Impression of the field of vision subtending an angle of 20 degrees or worse.

(ii) Deaf: Those having hearing loss of more than 90 decibels in the better ear (profound impairment) or total loss of hearing in both ears.

(iii) Orthopaedically handicapped: To the extent of 40% and above disability.

(iv) Mentally handicapped/spastic dependents.

Note:

(1) The list of diseases, on the basis of which discretionary allotment may be considered as above, is not an exhaustive one. The committees may consider any other life threatening diseases or other serious disabilities causing permanent imparirment for this purpose.

(2) In cases where disability of dependent parents is the sole ground for asking for discretionary allotment the Committees should consider the facts and circumstances along with merits of each case carefully, before making their recommendations.

ANNEXURE-II

Annexure referred to in para 3
(v) of the O.M. No.12035/2/97-Pol.II(pt.II) dated 17.11.97.

Security grounds:

Discretionary allotment on Security grounds may be made subject to the following conditions:-

(i) The general pool accommodation shall be allotted to only those persons who are in the Z+(Z Plus) or higher security category:

(ii) There must be a clear nexus with the public interest to justify the allotment of general pool accommodation to such persons. Ministry of Home Affairs would examine in each case that allotment of Government accommodation to a person in the Z+ or higher security category is in public interest and the security threat to the person has emanated from the duties performed in public office held by him in the past. Ministry of Home Affairs should also opine whether it is absolutely necessary to provide the person concerned a house in Delhi.

(iii) On receipt of a request from the persons concerned for allotment of government accommodation on security grounds, Ministry of Home Affairs will carry out an edxercise to ascertain whether a person in the Z+ security category owns a house in Delhi in his or spouse`s name and whether security arrangements can be provided in that house itself:

(iv) Further action to provide a Govt. accommodation to the protectees in Delhi shall be taken by the Dte. of Estates, based on the recommendations of the Ministry of Home Affairs. The allotment shall be for a period of one year and can be extended for a further period of one year at a time, subject to CCA being satisfied about the need for extension, based on the threat perception to be reviewed by Ministry of Home Affairs at least once in every year.

(v) Not higher than Type-VI accommodation shall be allotted to such protectees and it could be even lower depending upon the category of the protectee and the threat perception in individual cases:

(vi) The applicant shall confirm his willingness/capacity to pay the market rent/special licence fee in advance and continuous default in payment of prescribed rent for the three months or more would render him liable for eviction.

(vii) Market rate of licence fee shall be charged for the Government accommodation so allotted to a protectee. In case the protectee has a house in Delhi, he must surrender the same to the Government for the period of his occupation of Govt. accommodation. In such cases special licence fee shall be charged for the period of occupation of Government accommodation instead of market rent.

ANNEXURE-III

Annexure referred to in para 3
(vi) of the O.M.No.12035/2/97-Pol.II(pt.II) dated 17.11.97.

Functional Grounds:

The personal Staff working with the Ministers and with other dignitaries as specified below shall be allotted accommodation one type below their entitlement on the basis of the emoluments prescribed on the crucial date in the relevant allotment year. However, PS to prime Minister/Minister shall be eligible for allotment of Govt. accommodation as per their entitlement on the crucial date subject to availability. The allotment of accommodation to the personal staff of the various dignitaries shall be made within the overall ceiling of 5% of vacancies in respect of each type of houses occuring in a year. The personal staff working with the following authorities shall be eligible for priority allotments:-

(1) Key personnel in Prime Minister`s Office based on the recommendations made at a level not below the Jt. Secretary in-charge of Administration in the Prime Minister`s Office.

(2) Personal Staff attached to Ministers:-

(i) Cabinet Ministers/Ministers of State:- Three members of the personal staff (other than Gr `D`) and one Jamadar/PeonIn addition, one Group `D` may be given change of accommodation as recommended by the Minister.

(ii) Dy. Ministers/Parliamentary Secretaries:- Two members of personal staff (other than gr `D`) and one Jamadar/Peon.In addition, one Group `D` may be given change of accommodation as recommended by the Minister.

Such allotments would be subject further to the following conditions:-

(a) Such priority allotments have not already been made to the personal staff on the recommendations of the Minister Deputy Minister or Parliamentary Secretary.

(b) No fresh sanction for such allotment would be made with the change in the portfolio of the Minister, etc; if those members of the staff who have been allotted general pool quarters on the above basis on his recommendation, continue to be with the Minister.

(c) In case of a new Minister, if none of the members of his personal staff have been allotted accommodation on his recommendation, irrespective of whether some members of the personal staff are in occupation of general pool accommodation, priority allotments may be made on his recommendation restricting the numbers as prescribed above.

(d) If the portfolio of the Minister is changed or if the Minister demits office and is thereafter appointed as Minister in the same Ministry or in another Ministry in case those members of his personal staff who have been allotted general pool accommodation earlier continue to be in his personal staff and the quota indicated above has been exhausted, no further priority allotment or change of allotment is to be made.

(3) Key personnel in Cabinet sectt.:- Key officials of Cabinet Sectt. (Main) with responsibility relating to meeting of the Cabinet/Cabinet Committees/Committee of Secretaries as recommended by the Joit Secretary in-charge of Administration in the Cabinet Sectt.

(4) Leaders of Opposition in the Lok Sabha/Rajya Sabha: Three members of personal staff (other than Gr.`D`) and one Jamadar/Peon.

(5) Chairman/Dy.Chairman, Rajya Sabha, Speaker/Dy.Speaker, Lok Sabha/Chief Justice of India/Dy. Chairman, Planning Commission:- Three members of personal Staff (other than Gr.`D`) and one unit for Jamadar/Peon.

(6) Judges of Supreme Court/Members of Planning Commission: Two units for personal staff (other than Gr.`D`) and one unit for Jamadar/Peon.

(7) Chief Election Commissioner/Election Commissioners/Secretaries to govt. of India:- Two units for personal staff (other than Gr.`D`) and one unit for Jamadar/Peon.

(8) A maximum of two persons from personal staff of each of the former Presidents, Vice-Presidents and Prime Ministers may be provided with discretionary residential allotments from the General Pool in Delhi, provided the dignitaries are residing in Delhi.

Note:- The allotment of accommodation may be made in a central area, subject to availability. However, no personal staff shall be

entitled to more than one change, which would form part of `in-turn-change` allotment after due enlistment on the change waiting list.